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DIVISION OF STATE COUNSEL  
LITIGATION BUREAU

May 26, 2023

**VIA ECF**

Honorable Lorna G. Schofield  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: *Carey v. New York State Dep't of Health et al.*, No. 23-cv-3061 (LGS)

Your Honor,

In this discrimination and retaliation action, plaintiff Chareé Carey is suing the State Department of Health (“DOH”) and Acting DOH Commissioner James V. McDonald, and four current and former employees of DOH: Danny Vazquez, Michael Shelhamer, Rick Boettcher, and Joshua Vinciguerra. By order dated May 8 (ECF Doc. No. 22), the Court extended the time for all defendants to respond to the complaint through June 23, 2023. The extension was requested to protect the interests of the individual defendants, all of whom have requested representation from the Office of the Attorney General (“OAG”), while OAG undertook the process of determining representation as required under New York Public Officers Law § 17.

On May 25, 2023, OAG determined pursuant to Public Officers Law § 17(2)(b) that it would be appropriate to jointly represent defendants DOH, Acting Commissioner McDonald, Michael Shelhamer, Rick Boettcher, and Joshua Vinciguerra in this action, but that concurrent representation of defendant Danny Vazquez would be inappropriate. OAG has, however, determined that Mr. Vazquez is entitled to be represented by private counsel at State expense, and notified Mr. Vazquez of this by letter dated May 26, 2023. At present, Mr. Vazquez is unrepresented.

In light of the foregoing, I respectfully request that the initial pretrial conference, which is currently scheduled for June 7 at 4:20 p.m., as well as the corresponding May 31 deadline for the submission of the joint letter and the initial pretrial conference materials (ECF Doc. No. 17), be adjourned for a reasonable period to allow Mr. Vazquez time to retain private counsel to represent him in this case, and to permit such counsel to participate in the preparation of the required pre-conference materials, and to attend the initial pretrial conference as required by Your Honor’s Individual Rules.

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This is the first request for an adjournment of the initial pretrial conference and the deadline for the submission of the pre-conference materials. Counsel for plaintiff does not consent to the request given the lack of a date certain for the adjournment or for Mr. Vazquez to retain counsel.

Thank you for Your Honor's consideration of this request.

Application GRANTED. The initial pre-trial conference in this matter is adjourned to **June 28, 2023 at 4:20 P.M.** The parties shall file their materials **by June 21, 2023, at 12 P.M.**

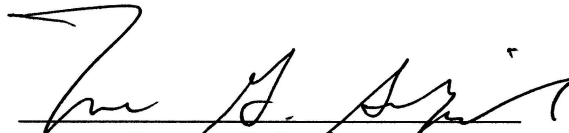
So Ordered.

Dated: May 30, 2023  
New York, New York

Respectfully submitted,

/s/

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**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**